

THE TULALIP TRIBES OF WASHINGTON

Ordinance No. \_\_\_\_\_

TIDELANDS MANAGEMENT POLICIES

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## I. INTRODUCTION

The Puget Sound shoreline is one of the most important physical features of the Tulalip Reservation to the Tulalip Tribes of Washington ("the Tribe"), its members, and non-tribal residents. The shoreline is where many ancestral settlements and burial sites are located and where Tribal fishing, gathering, cultural activities, and recreation continue to this day.

The Tulalip Reservation includes all tidelands within its borders. Tribal people have depended on the shoreline to such an extent that the tidelands were not allotted to individual Tribal members by the Federal government and the tidelands, together with all of Tulalip Bay, are reserved for the use and benefit of the Tribe.

Fish and shellfish resources are of central importance to the economy, culture, subsistence, and identity of Tribe members. The right to harvest these resources is secured for the exclusive use of the Tribe under the Treaty of Point Elliott. The tidelands of the Reservation provide essential habitat and food for these Tribal resources. Protection of these Tidelands is essential to preserve the use of the reservation as a homeland for the Tulalip people and preserve its use for Treaty fishing activities.

A great deal of development has occurred along the Reservation shoreline over the years. The shoreline is studded with marinas, parking lots, public buildings, houses, cabins, docks, bulkheads, and beach access stairways. Unfortunately, this development has had negative impacts on shorelines on the Reservation and throughout Puget Sound.

Water quality has decreased dramatically as pollutants make their way into Puget Sound from roads, homes, parking lots, septic systems and other forms of development. Fish populations, including salmon, herring, bottom fish, and many others, have declined. Shellfish beds have been closed for public health reasons. Tribal fish and shellfish resources and habitat have been severely degraded by the numerous bulkheads and other physical alterations to the shoreline. Docks, pilings and buoys have interfered with tribal net fisheries. Information from the Tulalip Natural Resources Department shows that there are approximately 73 docks and piers and 124 mooring buoys along the Reservation shoreline while there are less than 15 private docks and buoys along the rest of Snohomish County's shoreline, excluding Everett. Many of these private structures and uses are located on tribally owned tidelands without permission or compensation to the Tribe. The Tribe and its members are increasingly prevented from gaining access to the tidelands reserved for their use.

The impacts of bulkheads are of particular concern. Their negative impacts to fish and shellfish resources and their habitat are well documented and include:

Increased beach erosion, loss of beach sediments, and lowering of the beach due to the reflection of wave energy off of hard bulkheads back onto the beach.

"Beach starvation", which is the loss of beach sand and sediment that occurs when bulkheads block the supply of sediment that erodes from the bluff. The fine sediments tend to be lost, which translates into less habitat for the creatures that are prey for juvenile fish.

Loss of plants and shade, which are important to fish habitat, as bank vegetation is removed when bulkheads are built.

The environmental effects and impacts of bulkheads and supporting literature are documented in a Supplemental Final Environmental Impact Statement (SFEIS) prepared by the State of Washington

Department of Ecology in December 2003 for the recently adopted revisions to the state's Shoreline Master Program Guidelines (SMPG).<sup>1</sup> The SFEIS contains a lengthy bibliography that includes scientific literature regarding bulkheads and their effects. The revisions to the SMPG include measures to protect against the environmental effects and impacts of bulkheads that are reflective of those contained in these policies.

Bulkheads are generally built with the intention of preventing or reducing bluff erosion on shoreline properties since many people have the perception that wave action is responsible for the erosion. The erosion and landslides are often actually due to drainage problems and soil conditions at the top of the bluff or the actions of property owners, such as the removal of trees and native vegetation. The Tulalip Tribes through its Fisheries, Community Development and Natural Resources Departments have collected reference lists on the subject of the adverse effects of bulkheads on fish and shellfish resources, on fish habitat, and on other treaty protected rights of Tulalip Indians. In addition to being plainly observable over time, the adverse effects are clearly documented and the results of these studies are transferable to the shorelines of the Tulalip Reservation.

The Tulalip Reservation is one of the few areas in Snohomish and King Counties where there is some remaining Puget Sound shoreline that has not been modified with shoreline structures. A November 22, 2002 Seattle Post Intelligencer article reported, based on information from the state Department of Natural Resources, that 72% of the shoreline in Snohomish and King Counties has been modified by the construction of bulkheads, docks, piers, boat ramps, and boat slips. Snohomish County GIS maps show that, despite several long stretches of nearly unbroken bulkheads, there is a substantial amount of natural beach left on the Reservation. Information from the Tribe's Natural Resources Department indicates approximately 45% of the Reservation shoreline has been "armored" with bulkheads.

Although Section 23.8 of Zoning Ordinance No. 80 regulates bulkheads, docks, stairways, and other shoreline structures, Tribal staff has not been satisfied that it adequately address the impacts of shoreline development stated above. There has been ongoing demand by a number of departments to revise or expand the Tribe's requirements. It has also been pointed out that there are a number of feasible alternatives to bulkheads including vegetation management, drainage and groundwater control, replenishing scoured beaches with sand, and anchoring drift logs to the beach.

Additionally, Tribal staff has expressed concern over the need to protect Tribal property interests by requiring leases for private structures constructed on Tribal tidelands. While, in the past, Tribal tidelands were leased to private parties for a variety of uses, this practice has fallen out of use. Now there are numerous private structures located on Tribal tidelands that are not currently, or may have never been, leased from the Tribe.

In light of this situation, the Board of Directors' Business Committee asked Tribal staff, on April 2, 2003, to prepare new policies regarding tidelands development regulation, and leases, have them reviewed by the Planning Commission, and return them to the Board for their consideration. A staff team representing the Community Development, Legal, Environmental, Fisheries, Fish and Wildlife Enforcement, Leasing, and Forestry Departments has participated in the preparation of the draft Tidelands Management Policies presented below.

The purpose of these policies is to establish management requirements for the development regulation, and leasing of that portion of tribally owned tidelands included within the definition of "Tidelands" in

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<sup>1</sup> [http://www.ecy.wa.gov/programs/sea/SMA/laws\\_rules/173-26/SMP\\_Guidelines\\_Final.pdf](http://www.ecy.wa.gov/programs/sea/SMA/laws_rules/173-26/SMP_Guidelines_Final.pdf)

Part IV of these policies. These policies lay the groundwork for legislative and policy reform on issues affecting Tribal tidelands. The "implementation measures" included with the policies will guide future modifications to land use controls, leasing practices, intergovernmental coordination, and the regulation, enforcement, protection and conservation of Tribal tidelands. Ultimately, the Tribe will also prepare a more detailed, comprehensive shoreline management plan, regulating the use and development of the Reservation shorelines, as called for in the future implementation measures shown below.

Although Tribal tidelands are all the tidelands of the Reservation lying above the line of extreme low tide, these Tidelands Management Policies are for the present enacted and intended to apply only to that limited portion of Tribal tidelands defined as "Tidelands" in Part IV hereof. Notwithstanding the foregoing definitional limitation of tidelands for the sole purposes of these Tidelands Management Policies, no disclaimer of or waiver to the ownership and regulatory jurisdiction over the entirety of Tribal tidelands reserved in the Treaty of Point Elliott, 12 Stat. 927 and the Executive Order of December 23, 1873 is made or intended thereby nor may any such intention be inferred. Areas of Tribal tidelands shoreward of those not made subject to these Tidelands Management Policies will be managed and regulated under a separate Tribal Shoreline Management Plan.

## II. TIDELANDS MANAGEMENT POLICIES

### A. Findings:

The Tribe finds it has jurisdiction to manage and regulate Reservation tidelands use by reason of the Treaty of Point Elliott, 12 Stat. 927, the Executive Order of December 23, 1873, and the Tribal Constitution. The Treaty and Executive Order established and set aside the Tulalip Indian Reservation as a homeland for a seafaring and fishing Tribe. The protection and management of the Reservation tidelands by the Tribe is both necessary and indispensable to protect and preserve the use of the homeland for such purposes as well as the Tribe's Treaty fishing rights, political integrity, economic security, and health and welfare of its members.

### B. Goals:

1. Preserve the reservation as a homeland for the Tribe and preserve fish and shellfish resources and habitat and other natural resources, and preserve access to and use of Usual and Accustomed Fishing Grounds and Stations as secured for the Tribe by the Treaty of Point Elliott, and Reservation beaches for the continued use and enjoyment of Tribal members and prevent environmental damage by carefully regulating the development of Tidelands.
2. Protect the Tribe's tideland property rights by requiring leases for private and community structures constructed on or over Tidelands and correcting and preventing existing and future trespasses through education, outreach, regulation and, where necessary, Tribal and Federal enforcement.

### C. Policies:

The following policies shall govern and be used by Tribal officials in reviewing, conditioning, and deciding permit applications and other approvals issued under Tulalip Zoning Ordinance 80 on the Reservation shoreline and the leasing and use of Tidelands.

1. The construction or installation of new private or community structures on Tidelands is prohibited, including bulkheads, docks of any kind, stairways, boathouses, cabins, etc. Provided, however, buoys may be placed with the prior written consent of the Tribe, which consent may be conditioned or withheld by the Tribe in its sole discretion.
2. The construction or installation of new Tribal structures on Tidelands may be allowed provided that the Tribal department or entity responsible for construction of the structure obtains a conditional use permit and other applicable permits and conditions are imposed to minimize the impacts of the structure and construction activities on the environment and natural resources. Permit applications for new Tribal structures on Tidelands shall also be subject to Tidelands Policies 3.b, 3.d, 6.a, 6.b, and 6.g.
3. Permit applications for the repair or replacement of a private or community structure on or over Tidelands may be processed subject to the following requirements:
  - a. The applicant first obtains a lease for the Tidelands from the Tribe. Finalization of the lease may be contingent on permit approval.
  - b. The applicant submits three copies of a signed land survey prepared by a qualified land surveyor showing the line of mean high tide as it exists on the date of application, together with any other reports or studies that the Tribe determines, after reviewing the completed application, to be necessary to address the Tribe's environmental concerns. A qualified land surveyor is a licensed land surveyor, approved by the Tribe, who is skilled in tidelands surveying and in survey techniques on Indian reservations. Required additional submittals may include but are not limited to an environmental checklist and/or assessment, a geotechnical analysis, a cultural resources/ archeological assessment, a habitat management plan, and engineered plans.
  - c. The structure shall not encroach any further onto Tidelands than the footprint of the existing structure.
  - d. Conditions are imposed to minimize the impacts of the structure and construction activities on the environment and natural resources.
  - e. All other provisions of these shoreline policies are met.
4. New tideland leases, lease renewals, and permits for the repair or replacement of private or community structures on Tidelands shall contain provisions ensuring that allowed uses and activities do not interfere with the exercise of Tulalip Tribal Treaty rights by the Tribe and its members, including but not limited to free access to fishing grounds, shell fishing activities including harvest and propagation activities, the harvest and collection of other aquatic life or plants, the protection of fin fish or shellfish habitat, and cultural practices.
5. Access across Tidelands or "work corridors" on Tidelands necessary to construct

or repair any private or community structures off Tribal property is prohibited unless the Tribe determines that such structures are consistent with these policies and issues written approval. The written approval shall include conditions to minimize the impacts of the structures and construction activities on the environment and natural resources. An access fee of \$300, or such other sum as may be approved by the Board of Directors, shall be collected prior to issuance of the written approval and used to cover administrative costs. A bond, insurance, or other financial surety representing a minimum of 125% of the project value as determined by Community Development shall also be required from the proponent prior to issuance of the written approval to cover restoration of any damage or degradation to Tidelands that may be caused by the work.

6. The repair and replacement of existing private or community bulkheads on Tidelands is prohibited except where the Tribe determines that a legally established existing upland structure is in imminent threat of damage or loss from shoreline erosion caused by tidal action, currents, or waves and there are no effective alternative shoreline stabilization measures with lesser environmental impacts. Permit applications for the repair and replacement of bulkheads shall be subject to the following requirements:
  - a. The applicant shall submit a geotechnical analysis evaluating the threat posed by shoreline erosion and the individual and combined effectiveness of, at a minimum, the following range of shoreline stabilization measures, listed in order of least impact to the environment to most impact:
    - (1) Vegetation management or biotechnical measures (The use and maintenance of plants to reinforce soil, stabilize slopes, drain water, absorb water from soil, and control erosion.)
    - (2) Upland drainage control
    - (3) Beach replenishment (sand and gravel replacement)
    - (4) Anchored logs
    - (5) Log piling, concrete, or rock bulkheads
  - b. The geotechnical analysis shall be prepared by a qualified licensed geotechnical engineer or engineering geologist approved by the Tribe, with a demonstrated expertise in coastal geology and shoreline processes. The engineer or geologist shall have proven experience in successfully designing and implementing the full range of shoreline stabilization measures outlined under subsection a.
  - c. If, after a review of the geotechnical analysis, the Tribe determines that there is an imminent threat of damage or loss to a legally established existing upland structure from shoreline erosion caused by tidal action, currents, or waves, the Tribe may accept the shoreline stabilization measure or combination of measures that, in the judgment of the Tribe,

has the least environmental impact and is shown to be effective.

- d. If, after a review of the geotechnical analysis, the Tribe determines that there is no, or minimal, threat of damage or loss to a legally established existing upland structure from shoreline erosion caused by tidal action, currents, or waves, the application shall be denied.
  - e. A conventional bulkhead may be accepted as a last resort only when the geotechnical analysis provides conclusive evidence that an existing residence or other principal structure is in imminent danger of damage or loss from shoreline erosion caused by tidal action, currents, or waves and there are no other effective alternatives with lesser environmental impacts. In cases where a conventional bulkhead is accepted, the terms of the tidelands lease called for under Section 3.a of these policies shall require a bond, insurance, or other financial surety from the leaseholder representing a minimum of 125% of the project value as determined by Community Development to cover the costs of removal of the bulkhead in the event that the leaseholder defaults on the lease or the lease expires without renewal. The leaseholder shall provide a copy of a restrictive covenant, recorded with Snohomish County and running with the leaseholder's upland fee property that notifies and subjects future property owners to this bonding requirement.
  - f. Normal sloughing or erosion of the bluff, erosion due to drainage problems, soil conditions, the actions of property owners at the top of the bluff, or other upland conditions will not be accepted as evidence of shoreline erosion.
  - g. Approval of the geotechnical analysis and proposed shoreline stabilization measures shall include review and consultation from the Environmental Department.
7. The repair and replacement of private docks and stairs on Tidelands is prohibited, except in those cases where: 1) the Tribe determines that the structure will be made permanently accessible for use by three or more property owners, and where two or more existing structures of the same type and in the same vicinity are removed or, 2) the Tribe finds that the structure already is a community structure permanently accessible for use by three or more property owners. The intent of this policy is to reduce the proliferation of individual private docks and stairways on Tidelands and promote the use of shared/community docks and stairways. The permit applicant shall be responsible for resolving all issues related to creating a community structure and removing other nearby structures, which may include, ensuring legal access to the structure, obtaining liability protection, providing for maintenance and safety, coordinating with neighbors, forming a community dock or stair association, adopting covenants, conditions, and restrictions, et cetera.
8. The Tribe may remove private or community floating docks and buoys from Tidelands during fishing and clamming seasons, as determined to be necessary by the Fisheries Director to prevent disruption of Tribal fisheries following

notice to affected neighboring upland property owners when feasible and consistent with any applicable due process requirements.

9. The Tribe may permanently remove existing dilapidated or unusable private or community docks, stairways, buoys, pilings, or other structures from Tidelands at the expense of the owner of the structure or buoy following notice to affected neighboring upland property owners when feasible and consistent with any applicable due process requirements.
10. The Tribe recognizes that development adjacent to tidelands can result in direct impacts to tidelands. If the Community Development or Environmental Department determines that proposed development adjacent to Tidelands will likely have a direct adverse effect on such tidelands and associated aquatic resources, the Department shall notify the applicant that such development shall be subject to these Tidelands Management Policies and applicable permitting requirements.
11. The minimum civil penalty assessed under Section 41.1 of Zoning Ordinance No. 80 for the construction, installation, repair or replacement of private or community structures on Tidelands or other work on shoreline structures in violation of Zoning Ordinance No. 80 or these policies shall not be less than \$5,000.
12. An approval for temporary emergency repairs to structures on Tidelands may be issued under extreme circumstances when the Community Development Department, in consultation with the Environmental Department, finds that, without immediate repairs, lives, property or the natural environment will be threatened. The approval shall contain conditions to minimize the impacts of repair work on the environment and natural resources. The repairs shall be temporary and reversible in nature and clearly targeted at addressing the threat. Approvals for temporary emergency repairs shall be contingent on the applicant signing a written commitment to come into full compliance with the terms of the Tidelands policies within a period of one year, including obtaining a permit consistent with the policies, using permanent shoreline stabilization measures with the least impact to the environment when applicable and feasible, and entering into a lease for affected Tidelands.

### III. FUTURE TIDELANDS IMPLEMENTATION MEASURES

Tribal staff shall carry out the following shoreline implementation measures as time, budget, and staffing levels permit.

- A. New Zones to Describe Conditional Uses. Any zones added to Ordinance 80 in the future that are currently not listed and that cover Puget Sound shoreline areas should also be amended to include Tribal shoreline bulkheads, beach access structures and mechanisms, and docks and piers as conditional uses.
- B. Intergovernmental Coordination. Tribal staff shall work with Snohomish County and the Washington State Department of Natural Resources to seek full implementation of the Tidelands Management Policies for development proposals on the Reservation under



their respective jurisdictions. In the meantime, Tribal staff shall work with Snohomish County to ensure that the Tribe is involved in the review of permits for shoreline structures claimed by the County to be under County jurisdiction with the objective of protecting Tribal interests by minimizing the impacts of such structures and construction activities on the environment and Tribal natural resources and preventing trespass onto Tidelands.

- C. Notice to Property Owners. Tribal staff shall send an informational notice to all shoreline property owners on the Reservation and local real estate offices and title and escrow companies stating that a lease and permit from the Tribe is required for any work on structures on or over Tidelands.
- D. Shoreline Management Planning. Tribal staff shall prepare a shoreline management plan and regulations for consideration by the Planning Commission and Board of Directors addressing, at a minimum, regulation of land uses and development along all Reservation shorelines including Puget Sound and lakes and streams, vegetation management and restoration along the bluff, future Tribal marina development and expansion, improvement of beach and tideland access for Tribal members, beach enhancement and restoration, and use and regulation of Tidelands by non-tribal members.
- E. Inventory of Existing Structures. Tribal staff shall locate and inventory all existing private and community structures that are on Tidelands and determine the lease and permit status of each structure. Cases where a lease or permit cannot be found for a structure shall be treated as trespasses and zoning code violations and corrective measures shall be pursued. Trespassing structures on Tidelands that are not acceptable due to environmental concerns or impediments to cultural practices shall be abated.
- F. Review of Existing Authorities. Tribal departments shall promptly review their existing authorities with a view to making recommendations to the Board of Directors, after review by the Reservation Attorney's Office, for modifications to Tribal laws, regulations and practices necessary to effectuate these policies.
- G. Permanent Survey Benchmarks. Tribal staff shall work to establish a network of permanent survey benchmarks along the Reservation shoreline. The purpose of the benchmarks will be to accurately and quickly determine the tidal elevation of shoreline structures and activities in the field and whether or not the structure or activity is on or over Tidelands.
- H. Lease Incentives. Tribal staff shall investigate the use of lease incentives to promote the use of community docks and stairs.

#### IV. DEFINITIONS

Allotments - Parcels of land created on the Tulalip Reservation by the U.S. government that were allotted to individual members of the Tribe for home sites under Article VII of the Treaty of Point Elliott or other applicable federal law.

Armoring - Structural protection from wave erosion including revetments, bulkheads, sea walls, gabions, and so forth.

Beach - The zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

Beach Erosion - The carrying away of beach materials by wave action, littoral currents, or wind.

Biotechnical measure - A primarily non-structural method of shoreline stabilization which uses native vegetation to stabilize the shoreline substrate.

Bluff - A steep slope (usually greater than 15 percent) of consolidated (rock) or unconsolidated (sand, gravel) sediment which is adjacent to the shoreline.

Buoy (Mooring Buoy) - A floating object anchored to the bottom of a water body that provides tie-up capabilities for vessels.

Bulkhead - A wall erected generally parallel to the waterline for the purpose of protecting adjacent uplands from erosion caused by waves or current action. Bulkheads may be built of posts and timbers, concrete, large rocks (riprap), or other materials.

Coastal geology - Origin, structure, and characteristics of the sediments that make up the coastal region, from the uplands to the nearshore region. Sediments can vary from small particles of silt or sand to larger particles of gravel and cobble, to formations of consolidated sediments and rock.

Community Structure - Any building, dock, or other structure that is privately owned and maintained by the residents of a particular subdivision, neighborhood or community for their common use. Community structures are not intended for public use, and are neither owned nor maintained by the Tribe.

Conditional Use - A use permitted in a zone only after review by the Planning Commission and the granting of a conditional use permit imposing such performance standards, conditions and mitigation requirements as are determined to be appropriate under the authority of Zoning Ordinance No. 80.

Dock - A platform built out from the shore into the water and supported by pilings or floats; providing access to boats and ships.

Environmental Assessment - A report that identifies the possible environmental effects of a proposed development, proposes measures to mitigate adverse effects of the proposal, and predicts whether there will be significant adverse environmental effects, even after the mitigation is implemented.

Erosion - The wearing away of land by the action of natural forces. The carrying away of beach material by wave action, tidal currents, littoral currents, or wind.

Extreme Low Tide - The lowest line on the land reached by a receding tide.

Geotechnical Analysis - a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be

prepared by qualified professional engineers (or geologists) who have professional expertise about the regional and local shoreline geology and processes.

Habitat - The place or type of site where a plant or animal naturally or normally lives and grows.

Legally Established Existing Upland Structure - An existing structure that was built with a permit issued under Tulalip Zoning Ordinance No. 80, is exempt from the permit requirements of Ordinance No. 80, or is a lawful non-conforming use under Ordinance No. 80.

Mean high tide - "Mean High Tide" is an ambulatory line representing the average elevation of all high tides as observed at a location through a complete tidal cycle of 18.6 years. This is an unchanging elevation, and the mean high tide line is where that unchanging elevation meets the shore as the shore exists at any particular time.

Nearshore - That area of marine and estuarine shoreline that generally extends from the top of shoreline bluffs to the depth offshore where light penetrating the water falls below a level supporting plant growth, and upstream in estuaries to the head of tidal influence. It includes bluffs, beaches, mudflats, kelp and eelgrass beds, salt marshes, gravel spits and estuaries.

Pier - A fixed platform above the water which abuts the shoreline which is generally used as a landing or moorage place for industrial, commercial, and/or pleasure craft.

Piling - A column of wood or steel or concrete that is driven into the ground to provide support for a structure.

Principal Structure - The primary and predominate structure on any lot.

Private Structure - Any building, dock, or other structure that is privately owned and maintained for exclusive use. Private structures are not intended for public use, and are neither owned nor maintained by the Tribe.

Repair (Normal Repair) - To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair involves total replacement which is not common practice, or causes substantial adverse effects to the shoreline resource or environment.

Restoration - The process of restoring a beach to a state more closely resembling a natural beach using beach feeding, vegetation, drift sills, and other non-intrusive means, as applicable. To revitalize or reestablish the characteristics and natural processes of a degraded shoreline resource.

Scour - Removal of underwater material by waves and currents, especially at the base or toe of a shore structure.

Sediment (beach sediment) - Solid particles or masses of particles that originate from the weathering of rocks and are transported, suspended in, or deposited by air, water or ice, or by other natural agents such as chemical precipitation and organic secretion.

Shoreline Stabilization - Actions taken to reduce adverse impacts caused by current, flood, wake, or wave action. These actions include all structural and nonstructural means to reduce impacts due to flooding, erosion, and accretion. Examples of specific structural and nonstructural shoreline modification activities include revetments, riprap, bulkheads, and bank stabilization.

Tidelands - As used in this ordinance, land on the shore of the Tulalip Reservation between the line of mean high tide and the line of extreme low tide, including all of Tulalip Bay.

Tribal Structure - Any building, dock, or other structure that is owned by the Tribe or its political subdivisions. Tribal structures are intended only for such uses as may from time to time be authorized by the Board of Directors of the Tribe.

Uplands - Land above the mean high tide line.

Wave - A ridge, deformation, or undulation of the surface of a liquid.

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*Legislative History*

Adopted by Laws of \_\_\_\_\_

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*Related Laws*

Ordinance #35, Laws of June 2, 1973 (Land Zoning)  
Ordinance #35A, Laws of December 15, 1984 (Tribal Construction Projects)  
Ordinance #53, Laws of January 10, 1981 (Planning Enabling)  
Ordinance #80, Laws of December 8, 1994 (Zoning Ordinance)